IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WA.No. 2420 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.33776/2006 Dated 19/12/2006
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APPELLANT: PETITIONER

MERCHEM LIMITED,
2ND FLOOR, MALANKARA CENTRE, M.G.ROAD,
COCHIN-35, REPRESENTED BY ITS DIRECTOR,
P.M.RAJU.

BY ADV. SRI.V.GIRI

RESPONDENTS: RESPONDENTS
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1. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,
PATTOM P.O., THIRUVANANTHAPURAM.

2. ENVIRONMENTAL ENGINEER,
ENVIRONMENTAL SURVEILLANCE CENTRE,
KERALA STATE POLLUTION CONTROL BOARD,
ELOOR EAST, UDYOGAMANDAL P.O., ERNAKULAM-683 501.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON 23/01/2007 DELIVERED THE FOLLOWING:

V.K.BALI, C.J. &
C.N.RAMACHANDRAN NAIR, J.

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W.A. No.2420 of 2006

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Dated this the 23rd day of January, 2007.

JUDGMENT

Ramachandran Nair, J.

The Writ Appeal is filed by petitioner in the W.P. challenging the interim order declining permission to run the factory which is closed under orders of the Pollution Control Board after noticing pollution in excess of the parameters prescribed in the licence issued by it.

2. We have heard counsel for the appellant and Standing Counsel for the Pollution Control Board. For the reasons stated in the interim order of the learned Single Judge and the findings of the Pollution Control Board about the magnitude of pollution caused by the appellant in the river, We are not inclined to interfere with the orders of the learned Single Judge. The Writ Appeal is accordingly dismissed leaving freedom to the appellant to make corrections and approach the Pollution Control Board for lifting the prohibitory order. The appellant is also given freedom to move the learned

Single Judge for fresh orders, if Pollution Control Board refuses to lift the prohibition even after carrying out the remedial measures.

V.K.BALI
Chief Justice

C.N.RAMACHANDRAN NAIR
Judge

pms